S
333.91
N7MRWN
WINTER 2005

WINTER 2005
VOLUME 7 NUMBER 5

Montana State Library
3 0864 1003 3502 8

MILK RIVER WATERSHED NEWS

The Plight of St. Mary and How to Turn it Around

By US Senator Conrad Burns

In October, I joined Lieutenant Governor Ohs for a flying tour of the St. Mary Canal and the Milk River Basin, and after much discussion and a first hand look, it became painfully clear that securing funding for its repair is essential. As you know, the Bureau of Reclamation (BOR) began building the St. Mary's Canal in 1907. In the 85 years since its completion, the Milk River Project has come to supply water for approximately 660 farms on approximately 110,000 acres of irrigated land. During this time, the system has also aged to a point of near decay. Under Reclamation law, irrigation users are required to pay for operation, maintenance and repairs of the system, however, in the disrepair in which we find this facility, the repairs needed far outweigh the users' ability to pay.

Glasgow Courier 10-27-04

In order to address the facility repair needs, Lieutenant Governor Ohs formed the St. Mary's Rehabilitation Working Group, which has worked to unite community interests, tribal officials, and private organizations to reach a consensus and solution for getting the word out and the funding in, to make the necessary repairs. In addition, Governor Judy Martz diverted $100,000 from the environmental contingency account, which, so far, has been matched by irrigators in the amount of $103,000. Funding has also come in from Montana state grants, and all of this has been used to keep this facility working to some capacity. But this is no small project, and additional funding is still needed to make sure this system is fully functioning and remains so in the years to come.

The economy of the Hi-Line region is greatly impacted by the water supply provided by the St. Mary facilities, and without it, the impact would be devastating. Although irrigation was the purpose when built, the importance of this structure today goes far beyond this original function. From farms and ranches, to grocery stores and gas stations, the people and the economies that would be affected by its collapse are far reaching. Today, the Milk River supplies municipal water to over 14,000 people in the communities of Havre, Chinook and Harlem, and two rural water systems are supplied from Fresno Reservoir. It is clear that this important piece of Montana's economy has contributed greatly to the growth and vitality of communities all along the Hi-Line, benefiting not only agriculture but fisheries, recreation, tourism, and wildlife, and water quality. Allowing this system to fail would have catastrophic implications for the state of Montana.

Because of the great impact this facility has on Montana, and the dire state in which we find it, I believe the time has come for the federal government to step in, and work with the many users of Milk River water, to help complete the necessary repairs. The operation of St. Mary no longer lies solely in the hands of the irrigators and for that reason we need to partner with the many users to come up with a solution. There are many viable options, including a federal appropriation to begin in-depth studies and repair, and I believe we need to explore every one of them to find the most cost efficient and effective solution. This facility has endured for almost 100 years, and the benefits are abundant—we cannot stand by and watch it crumble in the years ahead. I am committed to working in my role as United States Senator, and as Chairman of the Interior Appropriations Committee, to

(Continued on Page 2)

INSIDE

Milk River Water Supply ..... Page 2
Opinion-Our Future Rests in Our Hands-Open Letter to the Basin ..... Page 3
St. Mary Rehabilitation Working Group Members ..... Page 4
IJC Mulls Reviewing 1921 Order ..... Page 5
St. Mary Diversion Facilities Tour - June 2004 ..... Page 6

(Plight of St. Mary from page 1)

make sure that Congress addresses this issue. I want all Montanans to know I will work aggressively to maintain this backbone of Northern Montana.

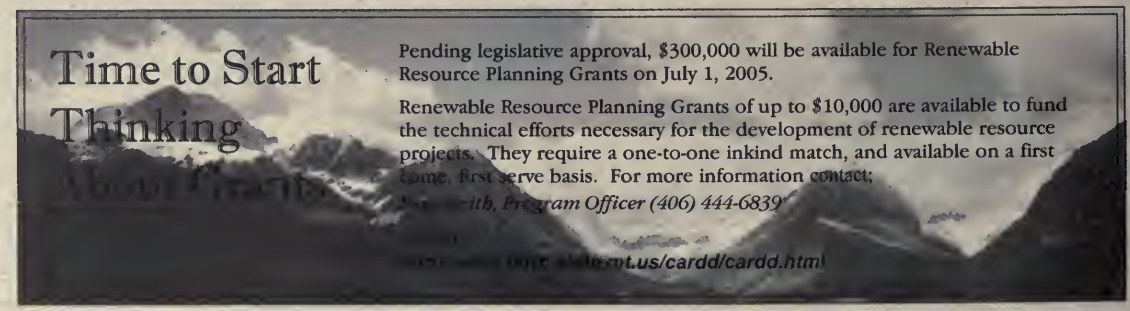
"U.S. Senator Conrad Burns, left, speaks with Havre residents, from left, Gerry Grabofsky, Charlie Inman and Les Blair about the St. Mary Diversion during a stopover Friday at Havre City-Counsel Airport. Burns, who had flown over the Project with Lt. Gov. Karl Ohs, said the diversion, which supplies water to the Milk River, needs to be rebuilt." - Havre Daily News/C. Cottrell 10-25-04

Milk River Water Supply

February 15, 2005
By Jeremy Giovando, USBR

Milk River Storage Project is currently near average. Storage for both Fresno and Nelson Reservoirs are slightly above normal, while storage in Lake Sherburne is much above normal for this time of year. St. Mary Canal diversions were discontinued on September 22 followed by releases from Lake Sherburne which were discontinued on the 23rd. Fresno Reservoir was reduced to winter releases on September 28. Water deliveries from Nelson Reservoir were also discontinued on September 28. During September and October streamflow conditions improved in the St. Mary Basin due to good precipitation. However during November precipitation slowed down considerably and produced below average inflow for the first month since July. Inflows during September through November for Fresno Reservoir were below average even with the early fall precipitation. At this time there is no indication that the drought is over and St. Mary and Milk River Basins water users are advised to make plans for conserving all available water supplies.

Storage as of February 15, 2005			
Reservoir	**Storage (acre-feet)**	**% Normal**	**% Full**
Lake Sherburne	45,100	200	67
Fresno	37,100	103	40
Nelson (active)	39,500	104	69



Pending legislative approval, $300,000 will be available for Renewable Resource Planning Grants on July 1, 2005.

Renewable Resource Planning Grants of up to $10,000 are available to fund the technical efforts necessary for the development of renewable resource projects. They require a one-to-one inkind match, and available on a first come, first serve basis. For more information contact;

[illegible], Program Officer (406) 444-6839

[illegible].mt.us/cardd/cardd.html

Opinion

Our Future Rests in Our Hands: An Open Letter to the Basin

By Randy Reed, Steve Page and Matt McCann

The St. Mary Diversion Facilities are the keystone to the Milk River Irrigation Project. On average, the system diverts 150,000 ac-ft per year from the St. Mary River to the North Fork of the Milk River. Without this imported water, the Milk River would run dry in six out of ten years. Now, after 85 years of service, most of the diversion system's structures have exceeded their design life and are in need of major repairs or replacement. Preliminary cost estimates indicate it will take in excess of $100-million to rehabilitate the St. Mary Diversion Facilities. Under the current federal authorization, the entire rehabilitation cost falls squarely on the shoulders of irrigators within the Milk River Project. Under the current scheme, there is no reason to believe that the St. Mary Facilities will survive. Operation and Maintenance costs will continue to climb, while the stability of our water supply continues to deteriorate as project facilities becomes too dangerous or impossible to operate. The loss of the St. Mary Diversion Facilities would have far reaching economic consequences in the basin.

The Milk River Basin represents a significant portion of Montana's agricultural-based economy, but if irrigated agriculture in the Milk River Valley is to survive, federal dollars will ultimately be required to carry out rehabilitation of the St. Mary Diversion Facilities. This task is more formidable than it may appear. Our Congressional Delegation is under tremendous pressure to keep a lid on superfluous spending while trying to meet the needs of their constituents. This was reflected in Senator Conrad Burns' question regarding the St. Mary rehabilitation: "Can you do it cheaper?" The answer is probably yes - in the short run, but what we really want is to do it better.

Societal values have changed since 1916 when water from the St. Mary River was first used to irrigate crops in the Milk River Basin. In the early 1900s, no consideration was given to tribal water rights, threatened and endangered species, or environmental concerns. What was originally authorized for the sole benefit of irrigated agriculture has evolved into a "river system" that provides benefits for fish and wildlife, recreation, and municipalities. The current authorization and infrastructure of the system are inadequate to deal with the complexities of this basin, and unable to meet the diverse and growing needs of water users.

As mentioned, the challenges are formidable, but we have a tremendous opportunity before us to rehabilitate and enhance our infrastructure, ensure the long-term viability of the irrigated agriculture, and ultimately make better use of our water supply. Formed in November 2003, under the guidance of former Lt Governor Karl Ohs, the St. Mary Rehabilitation Working Group is working with the Montana Department of Natural Resources and Conservation to develop a "workable solution" for rehabilitating the St. Mary Diversion Facilities before the system suffers catastrophic failure. The fifteen-member Working Group, which includes representatives from, irrigated agriculture, the Blackfeet and Ft. Belknap Tribes, municipal water supply, local economic development, and recreation is exercising cooperation never before seen in this basin. Recent initiatives by the Schweitzer Administration on behalf of the Working Group has elevated the rehabilitation effort to new heights at both the State and Federal levels.

As representatives of irrigated agriculture on the Working Group, we believe that rehabilitation of the St. Mary Diversion Facilities is the first piece of what should be a larger effort to bring a measure of stability to the supply and distribution of water in the Milk River. If this basin is to enjoy a thriving future, we must come together to develop a range of innovated solutions to our complex water management challenges. Forming a Conservancy District along the Milk River corridor is one idea that merits further discussion. This type of organization could be one avenue for bringing more local control to the operation, management and maintenance of the Milk River Project facilities for generations to come.

"The hope is to initiate a water plan that provides certainty and stabililty, leading to investment and prosperity."

Basin fragmentation has left us at the mercy of the wind: vulnerable and dysfunctional. We feel it is time to explore new ways of doing business. Bringing certainty and stability to our water supply will lead to investment and prosperity. With their focus on rehabilitating the St. Mary Diversion Facilities and working with the Blackfeet Tribe to address associated environmental issues on the Reservation, the St. Mary Rehabilitation Working Group is not the organization to address larger water management issues within the Milk River Basin. However the Group's unprecedented cooperation and unity of focus inspires us to believe that Milk River residents can come together to address the difficult challenges we face.

This basin stands at a crossroads, and the next few years will define our long-term existence. We have an opportunity to change the way we do business and improve our situation. The time has come to break from our past ways of dealing with each other and work toward managing our water for benefit of all water users.

Randy, Steve, and Matt are members of the St. Mary Working Group. The opinions expressed here are matters for consideration, and have not been endorsed by St. Mary Rehabilitation Working Group.

To learn more visit:

http://www.dnrc.state.mt.us/stmarycover.htm

St. Mary Rehabilitation Working Group Members

Governor-Elect Schweitzer listens intently as St. Mary Working Group member, Larry Mires, describes assistance the Working Group will seek in the 2005 Legislative Session.

Photos by Ginger Maddox

On December 7, 2004, nearly 50 Hi-Line residents traveled to Helena to meet with Governor Elect Brian Schweitzer, Lawmakers, and DNRC officials on water resource concerns in advance of the 2005 Legislative Session.

Governor-Elect Brian Schweitzer and Randy Reed, Co-chairman of the St. Mary Working Group, share a light moment in the Rotunda.

Reclamation and Development Bureau Chief John Tubbs (center) addresses the Hi-Line contingent in the Rotunda of the Capitol Building.

Representatives on the Milk River JBC:

Kay Blatter	Chairman	Fort Belknap Irr. Dist.	Max Maddox	Member	Alfalfa Valley Irr. Dist.
Hugh Brookie	Vice-Chairman	Malta Irr. Dist.	Ralph Snider	Member	Harlem Irr. Dist.
Melvin Novak	Secretary	Glasgow Irr. Dist.	Bruce Anderson	Member	Paradise Valley Irr. Dist.
Lee Cornwell	Member	Glasgow Irr. Dist	Brad Tilleman	Member	Zurich Irr. Dist
Wade Jones	Member	Malta Irr. Dist.	Joe Nicholson	Member	Dodson Irr. Dist.

IJC Mulls Reviewing 1921 Order

By Mike Dailey

In its final two years, the Martz administration has pushed to initiate a review of the International Joint Commission (IJC) 1921 Order, which outlines how the Milk and St. Mary Rivers are apportioned[1]. Pressure from the State of Montana prompted the IJC to hold a series of public consultation meetings in Montana, Alberta, and Saskatchewan in late July. Citizens and officials from both countries, armed with facts and comments, spoke on record, leaving little doubt where they stood on the matter.

Canadians argued that large capital investments in irrigation infrastructure have resulted in a robust regional economy based on certainty provided by the 1921 Order. Montanans beleaguered by continual shortages and drought, presented a litany of hardships, appealing to the Commission's sense of fairness to review the 1921 Order.

CBC Radio One aired a timely documentary, A Line In the Water[2], with a uniquely Canadian perspective on the two rivers, while also imparting interviews from Montanans. The sentiments asserted in the consultation meetings were echoed in the interviews. Canadians do not deny the certainty and advantage they enjoy as a result of the 1921 Order, but are quick to remind the United States that they have failed to invest in their own infrastructure, such as the St. Mary facilities. Montana officials are keenly aware of Canadian apprehension, as the Milk River populace tries to wrestle with the rehabilitation beast. Deteriorating infrastructure is not the cause, but a symptom of uncertainty brought about by implementation of the 1921 Order. Investment in infrastructure is the upshot to certainty of the water supply, to which the Canadians have clearly attested.

By 1930, it was becoming evident to the United States that the 1921 Order was not working in the spirit of the 1909 Boundary Waters Treaty. However, the IJC was not willing to review the order at that time, arguing that not enough time had elapsed. There are now 83 years of hydrologic record supporting what was suspected in 1930: the United States receives considerably less water than Canada. Furthermore, knowledge and unforeseen circumstances have revealed other shortcomings in the 1921 Order. The issues brought forth by Montana are plainly reflected in the data. The bottom line is that Montanans are not being treated equally as intended by the language of the Treaty. Therefore, Montanans are following the only course of action available to rectify the situation.

After the consultation meetings, Governor Martz sent a letter to Herb Gray and Dennis Schornack, the respective Canadian and United States chairs of the IJC, appealing to the Commission's sense of fairness and strongly recommending that the IJC create a reference to review the 1921 Order and administrative procedures for apportioning the Milk-St. Mary Rivers and their tributaries. The letter outlined eleven tasks for the terms of reference (see inset).

Rehabilitating the Milk River Project facilities is first and foremost for northern Montana's survival. Redressing the 1921 Order will add certainty to the equation, making the astronomical cost of facilities rehabilitation more palatable. Montanans do not want to change the Treaty, or take more than their share. All they are asking for is fair and equitable treatment.

On November 30, the IJC announced a new directive and the creation of an international task force. The task force is to examine measures for improving the existing administrative procedures for apportioning the flows of the Milk and St. Mary Rivers to ensure that each country receives its full entitlements under the 1921 Order.

1. See the Milk River Watershed News Spring 2004 Edition articles *International Joint Commission to Consult with Public on St. Mary-Milk Apportionment, Governor Martz Identifies Reasons to Review 1921 IJC Order*, and *Reasons to Review the 1921 Order*. September 1999 article *The Water War that Almost Was*.
2. CBC Radio One program "The Current" *A Line in the Water*. Reported by Margo McDiarmid.

For more information visit: ***www.ijc.org***

Tasks for Terms of Reference

1. An evaluation of the existing Order in light of the past 80 years of hydrologic records and apportionment information.
2. A determination on how to better address the language in both apportionment sentences of Article VI in light of an evaluation of the historic record (Task 1).
3. An assessment on changes needed to the existing administrative procedures to better ensure that the assumptions and data used are accurate. For example from our recent assessments, we conclude that the acres irrigated in the U.S. portion of the North Fork of the Milk River are over estimated, the acres irrigated in the Alberta portion of the basin are under estimated, and the amount of evaporation from the Milk River channel that is charged against the United States is too high.
4. An assessment to determine the best way for both countries to fully utilize their entitlements including the use of surplus flows.
5. An assessment to address the water rights of Native Americans and First Nations into the Order and administrative procedures.
6. An assessment of the needs of endangered species, critical habitat, recreation and water quality.
7. An assessment on how to better address the differences in the natural hydrology of the Milk and St Mary rivers in light of recent and projected climatic change in these river basins.
8. A determination of the amount of St. Mary River water that is used in the Milk River channel by Alberta.
9. An assessment to incorporate the international tributaries of Lee and Rolph creeks and others of the Milk and St. Mary River into the apportionment procedures.
10. An assessment on how to resolve the conflicts between the two sentences of Article VI dealing with the apportionment during low flows. That is, how to divide the waters equally between Canada and the United States, but still provide a prior right to each country from a different river.
11. Build a hydrologic daily water accounting model of both river systems in Canada and the United States that can be used to address the above issues and to evaluate ways for improving basin wide water management and to allow us to move toward a more accurate daily apportionment of flow.

St. Mary Diversion Facilities Tour - June 2004

Photos by Paul Azevedo, John Tubbs and Jay Weiner

Tour participants view a portion of Swift Current Creek destabilized by 1964 flood. Stabilizing this portion of the creek is an important environmental concern of the Blackfeet Tribe.

George Gliko (USBR) explains operation and maintenance issues associated with the diversion dam and headgates on the St. Mary River. Pictured in the center background (L to R) are Mike Waite (Office of Congressman Rehberg), Karen Filipovich (Montana Watercourse), and Lt Governor Karl Ohs.

Jamie Macartney (USBR) explains some of the ongoing maintenance issues associated with Halls Coulee Siphon to Compact Commissioner, and former State Senator, Lorents Grosfield. Members of the St. Mary Rehabilitation Working Group listen in the background.

(Continued on Page7)

(Continued from Page 6)

Randy Reed, Lenny Duberstein, and Sue Camp stand atop one 7.5 foot diameter barrel of the St. Mary River Siphon. Marko Manoukian, Erling Juel, and Lorents Grosfield look on from the side.

The St. Mary River Siphons and a county road cross the St. Mary River on a steel truss bridge built in 1915 by the Minneapolis Bridge Company. A new bridge to carry the county road will be constructed as part of the St Mary Rehabilitation Project.

Lenny Duberstein (USBR) and St. Mary Working Group member Paul Tuss, standing in the spray at the base of Drop 1.

Lenny Duberstein (USBR) explains how landslides along the St. Mary canal create a constant maintenance problem for Reclamation. Pictured in the background (L to R) are Marv Cross (DNRC), Lt Governor Karl Ohs, Jamie Macartney (USBR) and Sue Camp (USBR).

If you have ideas for articles or news items, please contact:

Michael Dalley
MT DNRC – Glasgow
Water Resources Regional Office
222 Sixth Street South
P. O. Box 1269
Glasgow, MT 59230-1269
(406) 228-2561

Kristi Kline
City of Havre
P. O. Box 231
Havre, MT 59501
(406) 265-9031

Randy Reed
Co-Chair St. Mary Rehabilitation Working Group
Rt. 1 – Box 8B
Chinook, MT 59523
(406) 357-3468

Kay Blatter
Chairman, Milk River Joint Board of Control
Rt. 1 – Box 105
Chinook, MT 59523
(406) 357-2931

Milk River Watershed News
is prepared and published by
DNRC— Water Management Bureau,
Helena MT (406-444-6637)
Editor: Rich Moy

STATE DOCUMENTS COLLECTION

MAR 22 2005

MONTANA STATE LIBRARY
1515 E. 6th AVE.
HELENA, MONTANA 59620

1,400 copies of this document were published at a total cost of $761.54 which includes $459.00 for printing and $302.54 for distribution.

Persons with disabilities who need an alternative, accessible format of the document should contact DNRC at the address below, phone (406) 444-6601 or fax (406) 444-0533.

DNRC–WATER RESOURCES DIVISION
P.O. BOX 201601
HELENA, MT 59620-1601

MILK RIVER WATERSHED NEWS

BULK RATE
U.S. POSTAGE
PAID
HELENA, MT
PERMIT NO. 89